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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,154	03/19/2004	Bruno Meyer	032553-041	6405

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/804,154	Applicant(s) MEYER, BRUNO	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 11/19/2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wier et al. (4,456,086).**

Wier et al. in figures 1-3, disclose an integrated wheelchair comprising a wheel frame (84), a raising frame (34) and a lifting device (68) for adjusting a height level of the raising frame both in sitting and in a standing position. The raising frame comprises a seat (42) and a back rest (44), wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is constructed to have tubular frames (18) having upright frame members (22) being shown telescopically constructed to be adjustable in height that on a lifting operation the raising frame is moved both upward and forward.

Regarding claim 2, Wier et al. disclose a front edge of the seat, which is located at a distance from an axis around which the seat is rotated on raising.

Regarding claim 3, Wier et al. disclose the lifting device comprising on each side of the chair telescopic guide means (75).

Regarding claim 4, Wier et al. disclose the telescopic guide means having a forward inclination from bottom to top (as shown in figure 2).

Regarding claim 5, Wier et al. disclose the wheel frame, which is provided with a middle wheel drive (as shown in figure 1).

Regarding claim 6, Wier et al. disclose a knee restraint (46) and means to move the knee restraint forward when a raising motion of the raising frame takes place.

Regarding claim 7, Wier et al. disclose the knee restraint, which is located on a downward extending tilting lever (28), which is coupled to the raising frame.

Regarding claim 8, Wier et al. disclose the seat comprising a front pad and a back part.

Regarding claim 9, Wier et al. disclose the lifting device comprising on each side of the chair telescopic guide means (75).

Regarding claim 10, Wier et al. disclose the telescopic guide means having a forward inclination from bottom to top.

Regarding claim 11, Wier et al. disclose the wheel frame, which is provided with a middle wheel drive.

Regarding claim 12, Wier et al. disclose a knee restraint (46) and means to move the knee restraint forward when a raising motion of the raising frame takes place.

Regarding claim 13, Wier et al. disclose the knee restraint, which is located on a downward extending tilting lever (28), which is coupled to the raising frame.

Regarding claim 14, Wier et al. disclose an integrated wheelchair comprising a wheel frame (84), a raising frame (34), which is provided with a seat (42), a back rest (44), a foot rest (916) and a knee restraint (46). Wier et al. also disclose means (68) to move the knee restraint forward when a raising motion of the raising frame takes place. Wier et al. also disclose a lifting device (68) for adjusting a height level of the raising frame both in sitting and in a standing position. Wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is constructed to have tubular frames (18) having upright frame members (22) being shown telescopically constructed to be adjustable in height that on a lifting operation the raising frame is moved both upward and forward.

Response to Arguments

4. Applicant's arguments filed 11/19/2004 have been fully considered but they are not persuasive. In response to applicant's remark that Wier et al. do not disclose "the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is of such a construction that on a lifting operation the raising frame is moved both upward and forward". The examiner disagrees, because Wier et al. in figure 2, disclose a lifting device (68) for adjusting a height level of the raising frame both in sitting and in a standing position. Wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is constructed to have tubular frames (18) having upright frame members (22) being shown telescopically constructed to be adjustable in height that on a lifting operation the raising frame is

moved both upward and forward. (Noticed, a rear end portion of the seat and the back rest are moved both upward and forward).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hauphan
12/14/04

Hau V Phan
Examiner
Art Unit 3618

HAUPHAN
PATENT EXAMINER